

SECOND DIVISION

[G.R. No. 217755, September 18, 2019]

**ELMER MONTERO, PETITIONER, VS. SANTIAGO MONTERO, JR.
AND CHARLIE MONTERO, RESPONDENTS.**

DECISION

CAGUIOA, J:

Before the Court is an appeal *via* a Petition for Review on *Certiorari*^[1] (Petition) filed under Rule 45 of the Rules of Court by petitioner Elmer Montero (petitioner Elmer), assailing the Decision^[2] dated November 28, 2014 (assailed Decision) and Resolution^[3] dated March 23, 2015 (assailed Resolution) of the Court of Appeals (CA) in CA-G.R. SP No. 133658.

The Facts and Antecedent Proceedings

As culled from the CA's recital of the facts, the essential facts and antecedent proceedings of the instant case are as follows:

[Petitioner Elmer] filed a [C]omplaint^[4] for Declaration of Nullity of Affidavit of Adjudication,^[5] Cancellation of Tax Declaration No. 5289^[6] and OCT No. P-14452,^[7] Reconveyance, and Damages with Prayer for Preliminary Injunction [(Complaint)] [before the Regional Trial Court of Bangued, Branch 2 (RTC)] against [respondents] Santiago Montero[,] Jr. [(respondent Santiago)] and Charlie Montero [(respondent Charlie)], and Elpidio Escobar, Teresita Parel, and Atty. Danilo V. Molina, the latter three in their official capacities as Municipal Assessor of Pilar, Abra, Provincial Assessor of Abra, and Registrar of Deeds of Abra, respectively. [The case was docketed as Civil Case No. 3107.] [Petitioner Elmer] averred:

1. Dominga Taeza [(Dominga)] was the second legal wife of Jose Montero. Their children were Alfredo, Pacita, Marcela, and Ernesto. Dominga had one illegitimate son, Federico Taeza. Petitioner [Elmer] was a surviving heir of Alfredo Montero.

2. [Dominga] died intestate and left a parcel of land situated in Pilar, Abra [(subject property)]. Free Patent No. 27941 under [Dominga's] name was issued over the land on January 11, 1939. Different tax declarations in Dominga's name also showed that she was in actual possession of the land. Upon Dominga's death in 1975, her actual, exclusive, open, continuous, and notorious possession of the land was transferred to her successors-in-interest by operation of law.

3. Sometime in 1993, when [petitioner Elmer] was about to pay the real

estate tax on the property, he was informed by the Assessors' Office of Pilar, Abra that the same was already transferred in the name of [respondent Santiago] by virtue of an Affidavit of Adjudication dated June 13, 1989 upon the latter's misrepresentation that [respondent Santiago] was an only heir of his father Santiago Montero, Sr.. The latter, however, was not related by blood to [Dominga], but was the son of Jose Montero (Dominga's husband) by his first marriage.

4. By virtue of the Affidavit of Adjudication, Tax Declaration No. 417 in [Dominga's] name was cancelled by Tax Declaration No. 5289 in [respondent Santiago's] name. Original Certificate of Title (OCT) No. P-14452 covering the land was also issued in the latter's name.

5. Sometime in 2002, [respondent Santiago] and his children threatened Ernesto Montero with physical harm to purposely acquire possession of a residential portion of the land, and thereafter, [respondent Charlie] started dumping materials for the house construction over the pleas of Ernesto Montero. [Respondent Santiago], on the other hand, was also renovating his house located within the residential area of the land.

6. [The respondents] wantonly refused to reconvey the property to the surviving heirs of [Dominga].

[Respondents Santiago and Charlie] filed a Motion to Dismiss,^[8] alleging that the Regional Trial Court had no jurisdiction over the subject matter of the complaint based on the following grounds:

1. Under Section 19 of Batas Pambansa Blg. 129, regional trial courts shall exercise exclusive original jurisdiction over civil action involving title to, or possession of, real property where the assessed value of the property involved exceeds P20,000.00, or in Metro x x x Manila, where the value exceeds P50,000.00, except actions for forcible entry and unlawful detainer.

Where the assessed value of the real property does not exceed P20,000.00, or P50,000.00 in Metro Manila, exclusive original jurisdiction shall be vested in Metropolitan Trial Courts, Municipal Trial Courts and Municipal Trial Courts, pursuant to Section 33 of BP 129.

As alleged in the complaint, the assessed value of the property is P3,010.00[,] an amount not exceeding P20,000.00., thus, exclusive original jurisdiction over the case is vested with the Municipal Trial Court.

[2.] Section 48 of [Presidential Decree No.] 1529 prohibits collateral attacks on a Torrens title by reason of its indefeasibility. [Petitioner Elmer's] action to annul the title is incidental to his attempt to defend his ownership and possession of the property and constitutes collateral attack on OCT No. P-14452.

[Petitioner Elmer] filed his Comment/Opposition to the Motion to Dismiss^[9] arguing that the principal action is incapable of pecuniary

estimation, thus, falling within the jurisdiction of the [RTC]. Also, his attack against the validity of OCT No. P-14452 was allegedly direct and not collateral therein.

By Order^[10] dated September 3, 2013, the trial court denied [respondents'] motion to dismiss, viz:

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After a careful analysis of the allegations of the complaint, the court arrives at the conclusion that the cause of action is a direct attack upon the title of the defendants, maintaining that the issuance of OCT No. P-14452 is void ab initio, and considering that the same was issued way back in 1994, that the equitable remedy of reconveyance be ordered.

The "Motion to Dismiss" is therefore denied, because, evidently, the cause of action is incapable of pecuniary estimation.

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[The respondents'] motion for reconsideration^[11] was also denied under [the RTC's] Order^[12] dated November 8, 2013.

[Hence, respondents Santiago and Charlie filed their Petition^[13] dated December 28, 2013 under Rule 65 of the Rules of Court (Rule 65 Petition), alleging that the RTC committed grave abuse of discretion in denying their Motion to Dismiss.]^[14]

The Ruling of the CA

In the assailed Decision, the CA granted the respondents' Rule 65 Petition. The dispositive portion of the said Decision reads:

ACCORDINGLY, the petition is **GRANTED**. The Orders dated September 3, 2013 and November 8, 2013 are **SET ASIDE**, and the Motion to Dismiss on ground of lack of jurisdiction, **GRANTED**.

SO ORDERED.^[15]

In sum, the CA held that "[t]he present action, therefore, is not mainly about the declaration of nullity of [the respondents'] affidavit of adjudication or the title they obtained based on said affidavit. The primary issue for resolution is who between the contending parties is the lawful owner of the land, and thus, entitled to its possession. The action is, therefore, one that *involves title to, or possession of, real property*, jurisdiction over which is determined by the assessed value of the property in question."^[16]

The CA further found that "it is undisputed that the assessed value of the property

in question is P3,010.00, an amount not exceeding P20,000.00. Based on [Section 19 of Batas Pambansa No. (BP) 129 or the Judiciary Reorganization Act of 1980, the] jurisdiction over the instant case is with the Metropolitan Trial Courts, Municipal Trial Courts, or Municipal Circuit Trial Courts, as the case may be. Undeniably, the [RTC] does not have jurisdiction over the case and thus, erred in denying [the respondents'] motion to dismiss based on this ground."^[17]

Petitioner Elmer filed his Motion for Reconsideration^[18] dated January 5, 2015, which was denied by the CA in the assailed Resolution.

Hence, the instant appeal.

Issue

Stripped to its core, the instant Petition presents a singular issue -whether the subject matter of petitioner Elmer's Complaint involve the title to, possession of, or interest in real property, or is incapable of pecuniary estimation.

The Court's Ruling

The instant Petition is unmeritorious. Petitioner Elmer's Complaint involves the title to, possession of, and interest in real property, *i.e.*, the subject property, which indisputably has an assessed value of below P20,000.00. Hence, the RTC had no jurisdiction to hear case.

Jurisdiction is defined as the power and authority of a court to hear, try, and decide a case. In order for the court or an adjudicative body to have authority to dispose of the case on the merits, it must acquire, among others, jurisdiction over the subject matter. It is axiomatic that jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong; *it is conferred by law* and not by the consent or acquiescence of any or all of the parties or by erroneous belief of the court that it exists.^[19]

According to BP 129, as amended by Republic Act No. (RA) 7691, the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts have exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed P20,000.00 or, in civil actions in Metro Manila, where such assessed value does not exceed P50,000.00.^[20] On the other hand, in all civil actions in which the subject of the litigation is incapable of pecuniary estimation, the Regional Trial Courts shall have exclusive original jurisdiction.^[21]

It is the bone of contention of petitioner Elmer that the Complaint that he filed before the RTC is incapable of pecuniary estimation as the principal relief that he is seeking is the cancellation of certain documents, *i.e.*, the Affidavit of Adjudication, Tax Declaration No. 5289, and OCT No. P-14452.

The Court is not convinced.

Jurisprudence has held that an action "involving title to real property" means that the plaintiffs cause of action is **based on a claim that he owns such property or**